

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Nursing Home Care Act is amended by  
5 changing Sections 2-101, 2-112, 2-113, and 3-209 as follows:

6 (210 ILCS 45/2-101) (from Ch. 111 1/2, par. 4152-101)

7 Sec. 2-101. No resident shall be deprived of any rights,  
8 benefits, or privileges guaranteed by State or federal law,  
9 the Constitution of the State of Illinois, or the Constitution  
10 of the United States solely on account of his or her status as  
11 a resident of a facility. Residents shall have the right to be  
12 treated with courtesy and respect by employees or persons  
13 providing medical services or care and shall have their human  
14 and civil rights maintained in all aspects of medical care as  
15 defined in the State Operations Manual for Long-Term Care  
16 Facilities. In accordance with 42 CFR 483.10, residents shall  
17 have their basic human needs, including, but not limited to,  
18 water, food, medication, toileting, and personal hygiene,  
19 accommodated in a timely manner, as defined by the person and  
20 agreed upon by the interdisciplinary team. Residents have the  
21 right to maintain their autonomy as much as possible.

22 (Source: P.A. 81-223.)

1 (210 ILCS 45/2-112) (from Ch. 111 1/2, par. 4152-112)

2 Sec. 2-112. A resident shall be permitted to present  
3 grievances on behalf of himself or others to the  
4 administrator, the Long-Term Care Facility Advisory Board, the  
5 residents' advisory council, State governmental agencies, or  
6 other persons of the resident's choice, free from restraint,  
7 interference, coercion, or discrimination and without threat  
8 of discharge or reprisal in any form or manner whatsoever.  
9 Every facility licensed under this Act shall have a written  
10 internal grievance procedure that, at a minimum:

11 (1) sets forth the process to be followed;

12 (2) specifies time limits, including time limits for  
13 facility response;

14 (3) informs residents of their right to have the  
15 assistance of an advocate;

16 (4) provides for a timely response within 25 days by  
17 an impartial and nonaffiliated third party, including, but  
18 not limited to, the Long-Term Care Ombudsman, if the  
19 grievance is not otherwise resolved by the facility;

20 (5) requires the facility to follow applicable State  
21 and federal requirements for responding to and reporting  
22 any grievance alleging potential abuse, neglect,  
23 misappropriation of resident property, or exploitation;  
24 and

25 (6) requires the facility to keep a copy of all  
26 grievances, responses, and outcomes for 3 years and

1 provide the information to the Department upon request.

2 In accordance with F574 of the State Operations Manual for  
3 Long-Term Care Facilities, the administrator shall provide all  
4 residents or their representatives upon admission and at  
5 request with the name, address, and telephone number of the  
6 appropriate State governmental office where complaints may be  
7 lodged in language the resident can understand, which must  
8 include notice of the grievance procedure of the facility or  
9 program and addresses and phone numbers for the Office of  
10 Health Care Regulation and the Long-Term Care Ombudsman  
11 Program. ~~The administrator shall provide all residents or~~  
12 ~~their representatives with the name, address, and telephone~~  
13 ~~number of the appropriate State governmental office where~~  
14 ~~complaints may be lodged.~~

15 (Source: P.A. 81-223.)

16 (210 ILCS 45/2-113) (from Ch. 111 1/2, par. 4152-113)

17 Sec. 2-113. A resident may refuse to perform labor for a  
18 facility. Residents shall not perform labor or services for  
19 the facility unless consistent with F566 of the State  
20 Operations Manual for Long-Term Care Facilities. The  
21 activities must be included for therapeutic purposes and be  
22 appropriately goal related to the individual's care plan. If a  
23 resident chooses to perform labor or services, the resident  
24 must be compensated at or above the prevailing wage rate.

25 (Source: P.A. 81-223.)

1 (210 ILCS 45/3-209) (from Ch. 111 1/2, par. 4153-209)

2 Sec. 3-209. Required posting of information.

3 (a) Every facility shall conspicuously post for display in  
4 an area of its offices accessible to residents, employees, and  
5 visitors the following:

6 (1) Its current license;

7 (2) A description, provided by the Department, of  
8 complaint procedures established under this Act and the  
9 name, address, and telephone number of a person authorized  
10 by the Department to receive complaints;

11 (3) A copy of any order pertaining to the facility  
12 issued by the Department or a court; ~~and~~

13 (4) A list of the material available for public  
14 inspection under Section 3-210; ~~and~~

15 (5) Phone numbers and websites for rights protection  
16 services must be posted in common areas and at the main  
17 entrance and provided upon entry and at the request of  
18 residents or the resident's representative in accordance  
19 with 42 CFR 483.10(j)(4); and

20 (6) The statement "The Illinois Long-Term Care  
21 Ombudsman Program is a free resident advocacy service  
22 available to the public."

23 In accordance with F574 of the State Operations Manual for  
24 Long-Term Care Facilities, the administrator shall post for  
25 all residents and at the main entrance the name, address, and

1 telephone number of the appropriate State governmental office  
2 where complaints may be lodged in language the resident can  
3 understand, which must include notice of the grievance  
4 procedure of the facility or program as well as addresses and  
5 phone numbers for the Office of Health Care Regulation and the  
6 Long-Term Care Ombudsman Program and a website showing the  
7 information of a facility's ownership. The facility shall  
8 include a link to the Long-Term Care Ombudsman Program's  
9 website on the home page of the facility's website.

10 (b) A facility that has received a notice of violation for  
11 a violation of the minimum staffing requirements under Section  
12 3-202.05 shall display, during the period of time the facility  
13 is out of compliance, a notice stating in Calibri (body) font  
14 and 26-point type in black letters on an 8.5 by 11 inch white  
15 paper the following:

16 "Notice Dated: .....

17 This facility does not currently meet the minimum staffing  
18 ratios required by law. Posted at the direction of the  
19 Illinois Department of Public Health."

20 The notice must be posted, at a minimum, at all publicly used  
21 exterior entryways into the facility, inside the main entrance  
22 lobby, and next to any registration desk for easily accessible  
23 viewing. The notice must also be posted on the main page of the  
24 facility's website. The Department shall have the discretion

1 to determine the gravity of any violation and, taking into  
2 account mitigating and aggravating circumstances and facts,  
3 may reduce the requirement of, and amount of time for, posting  
4 the notice.

5 (Source: P.A. 101-10, eff. 6-5-19.)